

Appl. No. 09/342,719
Amdt. Dated May 27, 2003
Reply to Office Action of December. 27, 2002

REMARKS/ARGUMENTS

Dependent Claim 49 has been canceled and incorporated into independent Claims 28 and 58. No new matter has been added and no additional claim fee is due. Claims 28-32, 34-37, 40-44, 47-48 and 58-60 are pending in the application after the amendment. Entry of this Amendment is respectfully requested.

REJECTIONS

Rejection under 35 U.S.C. 102:

Claims 28-32, 34-37, 40-44, 47-48, and 58-59 have been rejected under 35 U.S.C. §102(e) as being anticipated by McIver et al., US Patent No 6,066,673. It contended in the Office Action that McIver anticipates these claims. Applicants respectively traverse the rejection.

Applicants have amended Claims 28 and 58 to include the limitations of Claim 49, which was not rejected as being anticipated by McIver. Consequently, this amendment has rendered the rejection moot and Applicant respectfully request withdrawal of this rejection.

In view of the foregoing remarks and the clarifying amendments, it is respectfully requested that rejection of Claim 28-32, 34-37, 40-44, 47-48, and 58-59 be reconsidered and withdrawn.

Obviousness-Type Double Patenting

In the previous Final Office Action of May 2, 2002, Claim 49 was been provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claim 1 of commonly assigned U.S. Patent No. 6,160,198. However, no such rejection of Claim 49 appeared in the present Office Action. This matter was resolved by a call to Examiner Anderson, by Applicants' Agent. Examiner Anderson quickly and diligently confirmed that the obvious-type double patenting was still pending and needed to be addressed by Applicants, especially since the limitations of Claim 49 are now present in independent Claims 28 and 58. Consequently, Applicants are filing a terminal disclaimer with this response.

Appl. No. 09/342,719
Amdt. Dated May 27, 2003
Reply to Office Action of December. 27, 2002


Applicants also want to thank Examiner Anderson for her diligent, speedy and accurate clarification of this issue.

In view of the foregoing remarks and terminal disclaimer, it is respectfully requested that rejection of Claim 49 be reconsidered and withdrawn.

Conclusion.

In light of the amendments and remarks presented herein, Applicants respectively submit that Claims 28-32, 34-37, 40-44, 47-48 and 58-60 are allowable over the prior art of record or any combination thereof. In the event that issue remain prior to allowance of the noted claims, then the Examiner is invited to call Applicant's undersigned agent to discuss any remaining issues.

Respectfully submitted,



Ian S. Robinson
Agent for Applicant(s)
Registration No. 43,348
(513) 626-3356

May 27, 2003
Sharon Woods Technical Center
11450 Grooms Road
Cincinnati, OH 45242
Customer No. 27752
(7590Qresp3.doc amendment)